UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

| GREGORY WARD and REGINA WARD, Plaintiffs, |) |
|---|--|
| v. |) JUDGMENT IN A CIVIL CASE) CASE NO. 5:10-CV-119-F |
| SECURITY ATLANTIC MORTGAGE, |) |
| MORTGAGE ELECTRONIC REGISTRATION |) |
| SYSTEMS, INC., and BANK OF AMERICA |) |
| (BAC) HOME LOANS, SERVICING, LP, |) |
| Defendants. |) |

Decision by Court.

This action came before the Honorable James C. Fox, Senior United States District Judge, for ruling as follows.

IT IS ORDERED, ADJUDGED AND DECREED that pursuant to the court's order dated February 4, 2011, that the Motion to Dismiss is ALLOWED and all claims against Defendants BAC and MERS are dismissed with leave for Plaintiffs to file an Amended Complaint. Pursuant to the court's order dated March 9, 2011, although Plaintiffs filed an Amended Complaint, they have not responded to this court's order regarding their failure to make service on Security Atlantic Mortgage. Accordingly, Plaintiffs' claims against Defendant Security Atlantic Mortgage are DISMISSED WITHOUT PREJUDICE. Pursuant to the court's order dated March 14, 2012, the Second Motion to Dismiss is ALLOWED. Plaintiffs' claims pursuant to HOEPA, RESPA, FCRA, ECOA, FTCA, their harassment, emotional distress and displacement claim and their damages claim for violations of TILA are DISMISSED WITH PREJUDICE. Plaintiffs' claim for rescission under TILA is DISMISSED WITH LEAVE TO AMEND. If Plaintiffs fail to file a second amended complaint, the Clerk of Court is DIRECTED to close this case.

FURTHER, in light of the Plaintiffs' failure to file a second amended complaint within the directed time period, the Clerk of Court is DIRECTED to close this case.

This Judgment Filed and Entered on June 5, 2012, and Copies To:

Gregory and Regina Ward (via US Mail to 2412 Sapphire Valley Drive, Raleigh, NC 27604) A. Todd Brown (via CM/ECF Notice of Electronic Filing) Megan E. Miller (via CM/ECF Notice of Electronic Filing)

DATE

JULIE A. RICHARDS, CLERK

June 5, 2012

/s/ Susan K. Edwards

(By) Susan K. Edwards, Deputy Clerk